

REMARKS

In the present Office Action, the Examiner has (a) determined that Claims 1-61 as originally filed are subject to a restriction requirement; and (b) required restriction to one of the following inventions:

Group	claims	drawn to	classified in class	subclass
I	1-15	combination apparatus	425	112
II	16-31	subcombination of the wedge and pump	53	560
III	32-33	subcombination of the capsule conveyor	198	833
IV	34-37	subcombination of the virtual gear	53	52
V	38-41, 49-51	combination method	264	4
VI	42-48	subcombination method with virtual gear	264	40.1
VII	52-55	subcombination method of independent operation	264	40.1
VIII	56-61	subcombination method controlling die pressure	53	52

Applicants hereby provisionally elect to prosecute the claims of Group I (claims 1-15) in the above-identified case, but traverse the restriction requirement with respect to the claims of Group IV (claims 34-37).

RESTRICTION REQUIREMENT

As set forth in the MPEP § 803, restriction may properly be required between patentably distinct inventions if (1) the inventions are independent or distinct as claimed; and (2) there is a serious burden on the Examiner if restriction is not required.

With regard to the claims of Groups I and IV in the present case, the Examiner has stated that the inventions are related as combination and subcombination and inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). However, Applicants respectfully submit that there will not be a serious burden on the Examiner if the restriction between the claims drawn to a soft gel encapsulation machine, a capsule machine, and a machine is not required because regardless of which set of claims are prosecuted, the field of search for each invention are so closely related to one another that maintaining them in the same application would not cause undue hardship for the Examiner. A separate field of search shown to exist only where one of the distinct subjects can be searched in places where no pertinent art to the other subject exists. In this case, however, it is submitted that pertinent art for both groups may exist in the classes/subclasses recited by the Examiner. Thus, Applicants contend that there will not be a serious burden on the Examiner if restriction is not required and withdrawal of the Restriction Requirement is requested.

In view of the above, it is respectfully submitted that the conditions set forth in MPEP § 803 do not require that the inventions of Groups I and IV be restricted in this case because, in particular, there will not be a serious burden on the Examiner if restriction is not required. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the Restriction Requirement as to the claims of Groups I and IV and pass this application for action on the merits of the pending claims.

While Applicants have elected claims 1-15 with traverse for initial examination, Applicants reserve the right to file divisional/continuation applications directed to the subject matter of claims 16-61 in future prosecution.

NEW CLAIMS

Claims 62-80 are added herein. Claims 62-65 are a new set of claims and it is respectfully submitted that claims 62-65 belong in Group I. As such, examination of claims 62-65 is requested. Claims 66-80 are added herein and depend from one of claims 1-15. As such, it is respectfully submitted that claims 66-80 are all included in Group I. As such, examination of claims 1-15 and 62-80 is requested along with the examination of the claims of Group IV (claims 34-37).

PETITION DIRECTOR

If the restriction requirement is maintained and made final, the Applicants preserve the right to petition the Director to review the requirement now or may defer the petition until after final action or allowance of claims to the invention elected (37 C.F.R. § 1.144).

CONCLUSION

In view of the above, the Applicants respectfully request reconsideration or modification of the requirement of Restriction Requirement. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of

this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: 
Jeffrey H. Urian, Reg. No. 46,232

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

JHU/ps